

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

IN RE: YASMIN AND YAZ (DROSPIRENONE) MARKETING, SALES PRACTICES AND PRODUCTS LIABILITY LITIGATION))))))	3:09-md-02100-DRH-PMF MDL No. 2100
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This Document Relates to:

Diana DeLuna, et al. v. Bayer Corp., et al. No. 3:11-cv-20001-DRH-PMF¹

Keri Griesbach, et al. v. Bayer Corp., et al. No. 3:11-cv-20003-DRH-PMF²

ORDER DISMISSING WITH PREJUDICE

HERNDON, Chief Judge:

This matter is before the Court on the defendant Bayer HealthCare Pharmaceuticals Inc.'s motion, pursuant to Case Management Order 12 ("CMO 12"), for an order dismissing the plaintiffs' claims, in the above-captioned matters, with prejudice for failure to comply with Plaintiff Fact Sheet ("PFS") obligations.³

¹ This Order applies to plaintiffs Tamiko Hardy, Angela Justice, and Ciera Teal.

² This Order applies to plaintiffs Franchesca Martin, Kelli McCrae, Shelli Ness, Amanda Stephens, and Lauran Ann Wood Only.

³ The motion to dismiss in *Diana DeLuna, et al. v. Bayer Corp., et al.* No. 3:11-cv-20001-DRH-PMF sought dismissal of the following plaintiffs' claims: *Josephine Flores, Tamiko Hardy, Brenda Howard, Angela Justice, Meagan Kirk, Kimberly Koerner, and Ciera Teal*. The motion was subsequently withdrawn as to plaintiffs *Brenda Howard, Josephine Flores, Meagan Kirk, Kimberly Koerner*. The motion to dismiss in *Keri Griesbach, et al. v. Bayer Corp., et al.* No. 3:11-cv-20003-DRH-PMF sought dismissal of the following plaintiffs' claims: *Franchesca Martin, Kelli McCrae, Shelli Ness, Lori Padgett, Brandi Schneider, Amanda Stephens, Kelsey Timbs, Danielle Williams-Hopkins, Lauran Ann Wood*. The motion to dismiss was subsequently withdrawn as to plaintiffs *Lori Padgett, Kelsey Timbs, Danielle Williams-Hopkins, and Brandi Schneider*.

On January 26, 2012, Bayer HealthCare Pharmaceuticals Inc. moved to dismiss the claims of the subject plaintiffs in the above captioned matters without prejudice for failure to comply with PFS obligations. The Court granted the motion on March 1, 2012.

In the order dismissing the above captioned actions, the Court warned the plaintiffs that, “pursuant to CMO 12 Section E, **unless plaintiffs serve defendants with a COMPLETED PFS or move to vacate the dismissal without prejudice within 60 days after entry of this Order, the Order will be converted to a Dismissal With Prejudice upon defendants’ motion.**”

On March 29, 2013, more than a year after the entry of the order of dismissal without prejudice, Bayer HealthCare Pharmaceuticals Inc. filed the subject motion stating the plaintiffs are still not in compliance with their PFS obligations and asking the Court to convert the dismissals to dismissals with prejudice pursuant to Section E of CMO 12,

To date, despite having ample time to do so, none of the subject plaintiffs in the above captioned matters have complied with their PFS requirements. Having considered the motion and the relevant provisions of CMO 12 the Court **ORDERS** as follows:

The plaintiffs in the above captioned actions have failed to comply with their obligations pursuant to CMO 12 and more than 60 days have passed since the entry of the order of dismissal without prejudice for failure to comply with

CMO 12. Accordingly, pursuant to Section E of CMO 12, **the plaintiffs' complaints are hereby dismissed WITH prejudice.**

Further, the Court **DIRECTS** the Clerk of the Court to enter judgment reflecting the same at the close of the case.

SO ORDERED:

 Digitally signed by
David R. Herndon
Date: 2013.07.16
17:48:04 -05'00'

Chief Judge
United States District Court

Date: July 16, 2013